

AO 458 (Rev. 10/95) Appearance

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

NEW YORK

DANIEL MAGNUS,

APPEARANCE

Plaintiff

-against-

Case Number: 08-1731(LAK)(FM)

METRO NEW YORK, INC. AND
METRO INTERNATIONAL S.A.,
Defendants.

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for Plaintiff, Daniel Magnus

I certify that I am admitted to practice in this court.

Date May 12, 2008

cc: Jackson Lewis, LLP
Marjorie Kaye, Esq. (MK7141)
59 Maiden Lane
New York, NY 10038

Signature

Joel Martin Aurnou

AU 6135

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May 12, 2008

Honorable Lewis A. Kaplan
United States District Judge
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

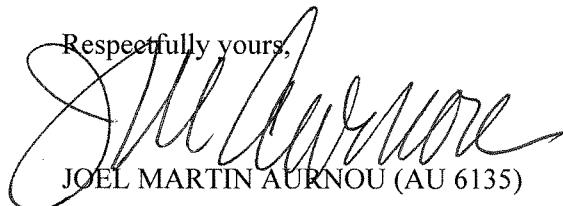
Re: Magnus v. Metro New York, Inc., et al.
Docket No. 08 CV 01731(LAK)

Dear Judge Kaplan:

I am the new attorney for the plaintiff, Daniel Magnus, in the above case pending before Your Honor. After reviewing the matter with my client, particularly Your Honor's comments to my predecessor attorney, and after a telephone discussion with Attorney Marjorie Kaye, representing the defendants herein, I have been authorized by my client to withdraw the RICO cause of action pleaded by my predecessor in his First Amended Complaint. I believe that there is no longer a basis for federal jurisdiction. Accordingly, I respectfully ask Your Honor to dismiss this case for lack of federal jurisdiction without prejudice and without cost. I have advised Ms. Kaye that I would make the application and the contract action would be filed in New York State Supreme Court. She has advised me she has no objection thereto, and graciously invited me to a discussion of settlement.

Under the circumstances, I hope that this will meet with Your Honor's approval.

Respectfully yours,



JOEL MARTIN AURNOU (AU 6135)

JMA/km

cc: Marjorie Kaye, Esq. (MK 7141)
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